

## REMARKS

The present amendment is submitted as a response to an office action issued on August 4, 2009. The application consists of claims 1-13 and 16-29, of which claims 1, 4-13 and 16-29 are currently amended.

### **Claim rejections USC 112**

Claims 1-13 and 16-29 stand rejected under 35 USC 112, first paragraph, since according to the Examiner, the feature of "the wire is positioned such that it may touch the skin during operation" is deemed new matter. The claims stand also rejected under 35 USC 112, second paragraph, since the recitation "such that it may..." is deemed unclear.

Applicants respectfully disagree with the Examiner. However, applicants have removed the limitation of "the wire is positioned such that it may touch the skin during operation" from claims 1 and 13 since the limitation is not deemed necessary to overcome the prior art in view of other amendments made to claim 1 and 13. Accordingly, the rejection is moot.

The Examiner further rejects claims 1, 4-12, 16-22 and 24-26 since the claims do not provide sufficient antecedent basis for "the wire". Applicants have amended the claims in view of the rejection so that the claims dependent on claim 1 now recite "elongated heated wire" and the claims depending on claim 13 read "elongate wire" thereby providing sufficient antecedent basis from their parent claims. It is submitted that these amendments are cosmetic only and are not intended to change the scope of the claims.

The Examiner further notes that the claims are replete with 35 USC 112 second paragraph issues. Applicants have reviewed the claims for these issues and amended the claims where deemed necessary.

### **Claim rejections USC 103**

Claims 1, 5-11, 13 and 16-22 stand rejected under 35 USC 103(a) as being unpatentable over Solvinto (FR 2532878) in view of Warden et al. (US 7,048,746).

Claims 1, 5-13 and 16-25 stand rejected under 35 USC 103(a) as being unpatentable over Iderosa (US 5,065,515) in view of Solvinto, Ringler et al (US 2002/0151881) and Warden.

Claims 2-4 and 26-29 stand rejected under 35 USC 103(a) as being unpatentable over Iderosa in view of Solvinto, Ringler, Warden and Hashimoto (US 6,043,457).

Claims 1 and 13 are the only pending independent claims.

According to the Examiner, Solvinto (alone or in combination with Iderosa) discloses all of the claimed elements except for the feature of burning of the skin being prevented by one or

more of low mass of the wire, pulsed heating of the wire, heating the wire only when motion is detected and removal of the wire from skin contact when motion is not detected. However, the Examiner asserts that this is taught by Warden since Warden teaches pulsed heating of a heating filament.

Applicants have amended independent claim 1 to add the feature of "a motion detector adapted to detect motion of the hair cutting head on the skin surface"<sup>3</sup>. In addition, the recited feature was amended such that it now reads "burning of the skin surface is prevented due to one or more of heating the elongated heated wire only when motion is detected by said motion detector and removal of the elongated heated wire from skin contact when motion is not detected by said motion detector".

It is submitted that neither Warden nor Solvinto disclose a motion detector and/or preventing burning of the skin surface as claimed in amended claim 1.

Independent method claim 13 was amended in a similar manner to add the feature of "detecting motion of the elongate wire with respect to the skin surface" and amending the recited feature such that it now reads "wherein burning of the skin surface is prevented due to one or more of heating the elongate wire only when motion is detected and removal of the elongate wire from skin contact when motion is not detected".

Accordingly it is submitted that independent claims 1 and 13 are patentable over the prior art. The dependent claims are patentable at least by virtue of their patentable parent claims.

### **Conclusion**

In view of the above remarks, applicant submits that the claims as amended herewith are patentable over the prior art. Allowance of the application is respectfully awaited.

Respectfully submitted,



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